

REMARKS/ARGUMENTS

Claims 1-80 are pending in the application. Claims 60-63 and 71-74 are rejected under 35 U.S.C. 112, second paragraph, claims 1-9, 15-24, 30-38, 45-52, and 59-80 are rejected as being anticipated under 35 U.S.C. 102(e), and claims 10-14, 25-29, 39-44, and 53-58 are rejected as obvious under 35 U.S.C. 103(a).

Claim Amendments

The amendment of independent claims 1, 16, 31, 45, 59, and 70 proposes, e.g., that the destination node is one of a plurality of nodes consisting at least in part of one or more self-service financial transaction terminals. See, e.g., p. 25, line 21-p. 29, line 10. The amendment of independent claims 1, 16, 31, 45, 59, and 70 proposes further that the corrective response or the corrective action work request or the user interaction with the management system comprises a command issued directly to the destination node by a user for a corrective action on the destination node selected from a group of corrective actions consisting at least in part of a start command, a stop command, a reboot command, and a change current version of software command. See, e.g., p. 36, line 4-p. 37, line 4.

Claims 60-65 and 71-76 are amended to address editorial issues raised by the Examiner's rejection of claims 60-63 and 71-74 under 35 U.S.C 112, second paragraph. Specifically, the amendment of claims 60-65 and 71-76, respectively, proposes at least one memory component coupled to said communications network; at least one database stored in said memory component; at least one database processor coupled to said communications network capable of processing data contained in said database; that the network exception-based system management system is adapted for receiving a communication comprising a request; that the network exception-based system management system is further adapted for receiving said request by said user interaction; and that the network exception-based system management system is further adapted for receiving said request via a pre-formatted user module.

Support for the foregoing amendment is found throughout the specification and in the claims and as detailed above. Accordingly, no new matter has been added.

Claim Rejections - 35 U.S.C. § 112

While the rejection of claims 60-63 and 71-74 under 35 U.S.C. 112, second paragraph, is not believed to be well founded, the foregoing amendment of claims 60-65 and 71-76 fully addresses the Examiners comments and overcomes the rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-9, 15-24, 30-38, 45-52, and 59-80 stand rejected as anticipated by Ditmer (U.S. Patent No. 6,473,407) under 35 U.S.C. § 102(e). The rejection is respectfully traversed and reconsideration is requested. The reference asserted does not read on the claimed invention.

With regard to independent claims 1, 16, 31, 45, 59, and 70, the Examiner considers that Ditmer discloses each and every claimed element. On the contrary, instead of a plurality of nodes that includes one or more self-service financial transaction terminals, as recited in claims 1, 16, 31, 45, 59, and 70, Ditmar discloses a tool for reporting events, alarms and conditions affecting a customer's telecommunication service to a customer. See, e.g., Ditmar, Abstract and Col 1, lines 18-20. Rather than a network of self-service financial transaction terminals, Ditmar focuses on monitoring business telecommunications circuits and receiving business telecommunications network alarms. See, e.g., Ditmar, Col 3, line 22-Col 4, lines 15.

It is true that the event monitor of Ditmer allows a user to go to an alternate routing plan if an alarm is generated regarding an outage that impacts a toll free circuit by communicating the alarm and a toll free number, service id, circuit id, and type of service to a toll free network manager for use in finding the appropriate routing plan. See, e.g., Ditmer, Col 18, lines 40-60. However, there is no hint of teaching or suggestion of a corrective response or a corrective action work request or a user interaction with the network exception-based system management system that includes a command issued

directly to the destination node by a user for a corrective action on the destination node selected from a group of corrective actions consisting at least in part of a start command, a stop command, a reboot command, and a change current version of software command, as recited in claims 1, 16, 31, 45, 59, and 70.

Consequently, Ditmer does not teach the required combinations of limitations of applicants' claimed platform-independent method and system for managing exceptions in at least one communications network having a plurality of nodes interconnected with communication lines, as recited in amended claims 1, 16, 59, and 70. Nor does Ditmar teach the required combinations of limitations of applicants' claimed method and system for detecting, isolating, categorizing, and resolving exceptions within network nodes, as recited in amended claims 31 and 45.

Because each and every element as set forth in amended claims 1, 16, 31, 45, 59, and 70 is not found, either expressly or inherently in the cited reference, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 16, 31, 45, 59, and 70 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-15 that depend on claim 1, claims 17-30 that depend on claim 16, claims 32-44 that depend on claim 31, claims 60-69 that depend on claim 59, and claims 71-80 that depend on claim 70, and which recite further specific elements that have no reasonable correspondence with the references.

Claim Rejections - 35 U.S.C. § 103

Claims 10-14, 25-29, 39-44, and 53-58 stand rejected under 35 U.S.C. § 103(a) as obvious over Ditmer. The rejection is respectfully traversed and reconsideration is requested.

As previously noted, because each and every element as set forth in amended independent claims 1, 16, 31, and 45, 59, and 70 is not found, either expressly or

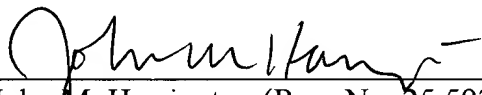
inherently in the cited reference, the Examiner has failed to establish the required *prima facie* case of unpatentability. See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987); See also MPEP §2131. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 16, 31, 45, 59, and 70 and similarly has failed to establish a *prima facie* case of unpatentability for claims 10-14 that depend on claim 1, claims 25-29 that depend on claim 16, claims 38-44 that depend on claim 31, and claims 53-58 that depend on claim 45, and which recite further specific elements that have no reasonable correspondence with the reference.

Conclusion

In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the examiner is requested to reconsider and withdraw the rejection and to pass the application to issue. The examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date: 6/30/04


John M. Harrington (Reg. No. 25,592)
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800